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# **Notice of Allowability**

Application No.

10/033,156

Examiner

Steven Loke

Applicant(s)

BEASOM, JAMES D.

Art Unit

2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amended Appeal Brief filed on 12/2/05.
2. ☒ The allowed claim(s) is/are 1-12 and 14-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

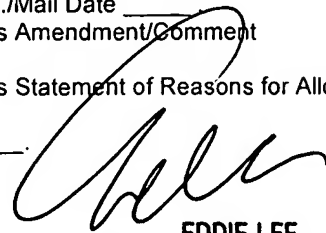
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**EDDIE LEE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott Lundberg on 2/1/06.

The application has been amended as follows:

Claim 1, line 1, change "a oxide" to --an oxide--.

Cancel claims 19-22.

2. The following is an examiner's statement of reasons for allowance: The first major difference in the claims not found in the prior art of record is a method comprising: forming a second layer of nitride overlaying and in contact with an exposed portion of a surface of a substrate in the contact opening and sidewalls of the contact opening; and using reactive ion etching (RIE etch) without a mask to remove a portion of the second nitride layer adjacent the surface of the substrate in the contact opening to expose a portion of the surface of the substrate in the contact opening without removing portions of the second nitride layer covering the sidewalls of the contact opening. The second major difference in the claims not found in the prior art of record is a method comprising: forming a second layer of nitride overlaying the first layer of nitride, the second layer of nitride overlaying the exposed portion of the surface of the substrate in the contact opening and sidewalls of the contact opening; and using a reactive ion etch (RIE etch)

without a mask on the substrate for a predetermined amount of time to remove a portion of the second layer of nitride overlaying the surface of the substrate in the contact opening without removing the portions of the second nitride layer overlaying the sidewalls of the contact opening and without removing portions of the first nitride layer overlaying the oxide layer, wherein the oxide layer is sealed by the first and second nitride layers. The third major difference in the claims not found in the prior art of record is a method comprising: forming a second layer of nitride over the first layer of nitride, the second layer of nitride overlaying the exposed portions of each of the device regions in their associated contact openings and sidewalls of each of the contact openings; and exposing the substrate to a reactive ion etch (RIE etch) for a pre-determined amount of time to remove portions of the second layer of nitride adjacent a surface of each device region in an associated contact opening, wherein the substrate is not exposed to the RIE etch long enough to remove all of the portions of the second nitride layer overlaying the respective sidewalls of each of the contact openings and portions of the first layer of nitride overlaying the oxide layer so that the oxide layer remains sealed by the first and second layers of nitride.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Loke whose telephone number is (571) 272-1657. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (571) 272-1732. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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February 4, 2006



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